

### Remarks

The claims have been amended as follows:

In claims 1, 17, 21, the feature of an absolute determination of the position of the writing instrument by means of an area coding has been introduced. This feature has been drawn from page 12, lines 31-34 of the description.

Further, in claim 17, the feature of an activation of the recording medium by the production of an information has been introduced. This feature is already included in claim 1 and 21.

### Claim Rejections-35 USC 103(a)

Claims 1-25 stand rejected as being unpatentable over Persidsky in view of Schiller et al.

Persidsky and Schiller et. al. do not motivate or suggest to one skilled in the art to combine these references to produce Applicant's claimed invention.

Neither Persidsky nor Schiller et al. disclose an area coding as defined in the amended claims. Accordingly, a person skilled in the art having knowledge of the disclosure of both Persidsky and Schiller would not have any motivation to develop a writing pen as disclosed therein so as to derive an apparatus or a method as defined in the claims.

Further, none of the documents cited discloses the feature of activating data recording by production of the information set with the writing instrument. Persidsky discloses a different mechanism to initialize data recording. According to Persidsky, a pressure sensor 14 is utilized, whereby data recording only starts when a given pressure threshold value is exceeded (col. 3, lines 43 to 51, Fig.2).

However this device may fail to start recording if the pen's tip only slightly touches the paper, even though the user started writing. Accordingly, the inventive solution as defined in the independent claims provides for a different and advantageous solution. A person skilled in the art could not derive an apparatus comprising a writing instrument or a method for recording a data record according to claims 1, 17 and 21 from the disclosure of Persidsky in combination with Schiller.

Moreover, claims 1 and 21 include the feature of recording a further identifier assigned to the writing pad. None of the references cited discloses to record such information, which allows for an assignment of a data record to the particular sheet of paper whereon the information has been put down in writing.

A one-month extension of time in which to respond to the outstanding Office Action is hereby requested. Credit Card Payment Form PTO-2038 is enclosed to cover the prescribed Small Entity one-month extension fee of \$60.

Respectfully submitted,



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I hereby certify this correspondence is being submitted to Commissioner for Patents, Alexandria, VA 22313-1450 by facsimile transmission on June 28, 2005, fax number (703) 872 9306.



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### Abstract of the Disclosure

An apparatus and a method for recording data which corresponds to a written or drawn item of information includes a writing instrument which produces a conventional image, and which records the conventional image in the form of data, as well as a writing pad. The apparatus can be used to provide both an electronic detection of script or a detection of drawings, and a conventional detection of script. The apparatus has a first device for continuously determining the positions relative to a starting position for the application of the information, and a second device for continuous absolute determination of the positions.

A complete set of the claims with status indicators is included herewith.

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